

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRAIG HENRY,)	
)	Civil Action No. 05 - 648
Plaintiff,)	
)	Judge David S. Cercone /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
HARRY E. WILSON, Superintendent;)	
CAROL A. SCIRE, Grievance)	Doc. No. 58
Coordinator; MR. REID, BA-Unit)	
Manager; MS. CLEVELAND,)	
BA-Unit Counselor; MARY ANN)	
MISTRIK, Hearing Examiner; MS.)	
KERRI CROSS, Hearing Examiner;)	
LAUREZ R. HARRY, Program)	
Review Committee; BRADLEY)	
NEWTON, Program Review)	
Committee; PSYCHIATRIST)	
SAAVEDRA, Medical Psychiatrist;)	
STEVE BENKO, Program Review)	
Committee,)	
)	
Defendants.)	

ORDER

This Court has scheduled an evidentiary hearing in the above mater on November 27, 2006 at Plaintiff's place of incarceration. Testimony will be heard on the issue of Plaintiff's request to be single celled due to his alleged prior sexual assault that occurred while incarcerated, the reasons behind Defendants' decisions to continue to double cell Plaintiff, including testimony regarding his alleged mental health injuries resulting from the continued double celling. Testimony will be heard from Plaintiff, from a mental health professional familiar with Plaintiffs condition who has examined Plaintiff and can testify regarding his alleged mental health related need to be single celled, from an institutional representative who can explain the policy behind

single and double celling and any other testimony defendants believe will further elucidate Plaintiffs claims presently pending before this court. On November 24, 2006 Plaintiff filed a motion asking the Court to serve subpoenas on three inmates for the purpose of testifying at this hearing. (Doc. No. 58). The witnesses are to testify as to each of their experience with the institution's celling policy. This testimony is completely irrelevant to the issue that will be examined at the November 27 hearing, which are to address only Plaintiff's request for a single cell. Therefore,

Said Motion is **DENIED**.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days shall constitute waiver of the right to appeal.

Dated: Nov. 24, 2006



LISA PUPO LENIHAN
United States Magistrate Judge

cc: Craig Henry
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Counsel of Record